

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0142 – 6800 Manchaca

Z.A.P. DATE: August 5, 2008
September 16, 2008

ADDRESS: 6800 Manchaca Road

OWNER: James W. Watters, Jr.

AGENT: Garrett-Ihnen Civil Engineers
(Michael W. Wilson)

ZONING FROM: SF-3

TO: GR

AREA: 4.77 acres

AMENDED TO: GR-CO FOR TRACT 1;
LO-MU-CO FOR TRACT 2

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning for Tract 1 and limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning for Tract 2, as shown in Exhibit A-2. On Tract 1, the Conditional Overlay: 1) makes community recreation (private) and community recreation (public) a conditional use; 2) prohibits the following uses: automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), bail bond services, business or trade school, business support services, commercial off-street parking, communication services, drop-off recycling collection facility, exterminating services, food preparation, funeral services, hospital services (general), hotel-motel, indoor entertainment, indoor sports and recreation, outdoor entertainment, outdoor sports and recreation, pawn shop services, personal improvement services, research services, residential treatment, and theater. In addition, development would be limited to 2,000 motor vehicle trips per day across Tracts 1 and 2.

If the requested zoning is recommended for this site, 43 feet of right-of-way should be dedicated from the centerline of Manchaca Rd. in accordance with the Transportation Criteria Manual.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

August 5, 2008: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF AND APPLICANT TO SEPTEMBER 16, 2008.*

[K. JACKSON; T. RABAGO – 2ND] (6-0) C. HAMMOND – ABSENT

September 16, 2008: *APPROVED GR-CO DISTRICT ZONING FOR TRACT 1 AND LO-MU-CO DISTRICT ZONING FOR TRACT 2, WITH CONDITIONS OF ADDITIONAL RIGHT-OF-WAY DEDICATION ON MANCHACA ROAD AS STAFF RECOMMENDED; BY CONSENT.*

[K. JACKSON; T. RABAGO – 2ND] (7-0)

ISSUES:

The developer of La Vid Urban Homes, a townhome community which adjoins this property to the north (zoned MF-1) has requested that the Applicant incorporate a 25-foot wide vegetative buffer along the north property line. Please refer to correspondence attached at the back of the Staff packet.

DEPARTMENT COMMENTS:

The subject platted lot contains one single family residence, is zoned family residence (SF-3), and has driveway access to Manchaca Road. There is a shopping center at the intersection of Manchaca and William Cannon Drive, and duplexes adjacent to the southwest (GR; SF-3), medical offices under construction and single family residences within Cherry Creek Phase 3 subdivision to the west (LO-CO; SF-3); townhomes under construction as well as an existing townhome development to the north (MF-1; MF-2) and a service station, carpet sales, office, child care and church to the east (GR; GR-CO; LR; LO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant is proposing to rezone the lot and create two tracts: Tract 1 (to a depth of 425 feet from Manchaca Road) is proposed to be rezoned to the community commercial – conditional overlay (GR-CO) in order to develop additional retail space adjacent to the existing shopping center. Tract 2 (the remainder of the property) is proposed for limited office – mixed use (LO-MU) for medical or residential uses. Please refer to Exhibit A-2 which illustrates the Applicant's request. For Tract 1, the Applicant's proposed Conditional Overlay would allow for general retail sales (general) use as the only GR use, and all permitted LR uses, and has been incorporated into the Staff recommendation.

Staff recommends the Applicant's request based on the following considerations of the property: 1) location on a major arterial roadway and proximity to a major intersection; 2) the requested GR-CO zoning is adjacent to and across from similarly zoned properties and prohibits uses that are less compatible with the adjacent residential uses; 3) the requested LO-MU-CO zoning at the rear of the property provides a transition from the commercial portion of the site to the adjacent residential areas to the north; and 4) the limit on the number of daily vehicle trips and dedication of right-of-way will maintain acceptable traffic conditions on adjacent roadways and intersections.

	ZONING	LAND USES
<i>Site</i>	SF-3	One single family residence
<i>North</i>	MF-1; MF-2	Townhomes under construction (La Vid); Townhomes (Towne Court)
<i>South</i>	SF-3; GR	Duplexes; Retail center; Financial services
<i>East</i>	GR; GR-CO; LR	Service station; Carpet store; Medical offices; Child care; Church
<i>West</i>	LO-CO; SF-3	Medical offices under construction; Single family residences

AREA STUDY: N/A**TIA:** Is not required**WATERSHED:** Williamson Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

16 – Cherry Meadows Neighborhood Association
 26 – Far South Austin Community Association
 77 – Southwest Oaks–Shiloh Neighborhood Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 461 – Cherry Creek SW Neighborhood Association
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 790 – Cherry Creek Village Neighborhood Association
 943 – Save Our Springs Alliance 997 – Tanglewood Oaks Owners Association
 1037 – Homeless Neighborhood Association

SCHOOLS:

Cunningham Elementary School Covington Middle School Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0108 – 6508 Manchaca	LR to GR	To Grant GR-CO with CO for list of conditional and prohibited uses, and 2,000 trips per day	Approved GR-CO as ZAP Commission recommended (7-24-08).
C14-2008-0036 and C14-81-113 (RCA) – SAM – 6700 Manchaca Road	MF-2 to LO-MU AND an amendment to terminate the Restrictive Covenant as it applies to this property	To Grant LO-MU-CO with the CO for a 20' vegetative buffer along the west property line, a maximum of 14 units and prohibiting convalescent services day care services (all types) and medical offices AND to amend the RC to terminate the provisions that apply to this property	Approved LO-MU-CO and amend the RC as ZAP Commission recommended (7-24-08).
C14-2007-0173 –	GR to GR-MU-	To Grant GR-MU-V-	Approved GR-MU-V-

6414 Manchaca Road	V	CO for Tract 1 and GR-MU-CO for Tract 2	CO for Tract 1 and GR-MU-CO for Tract 2 with the CO for 2,000 trips (3-6-08).
C14-00-2121 – 6708 Manchaca Road	SF-3 to MF-2	To Grant MF-1	Approved MF-1 with the CO for 2,000 trips (11-30-00).

RELATED CASES:

The property is platted as Lot 4 of the C. T. Baker subdivision, recorded in 1953 (C8-1953-2152). Please refer to Exhibit B.

There are no site plans in the review process at this time.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Manchaca Road	66 feet	4 @ 12 feet	Major Arterial Undivided – 4 lanes; Not classified as a Core Transit Corridor (31, 168 vpd, 2007)	Yes, one side	Rt. 27, Priority 1	3 Manchaca; 103 Manchaca Flyer; 484

CITY COUNCIL DATE: November 6, 2008

ACTION: Approved a Postponement request by an adjacent property owner to November 20, 2008 (6-0, Shade – off the dais).

November 20, 2008

ORDINANCE READINGS: 1st

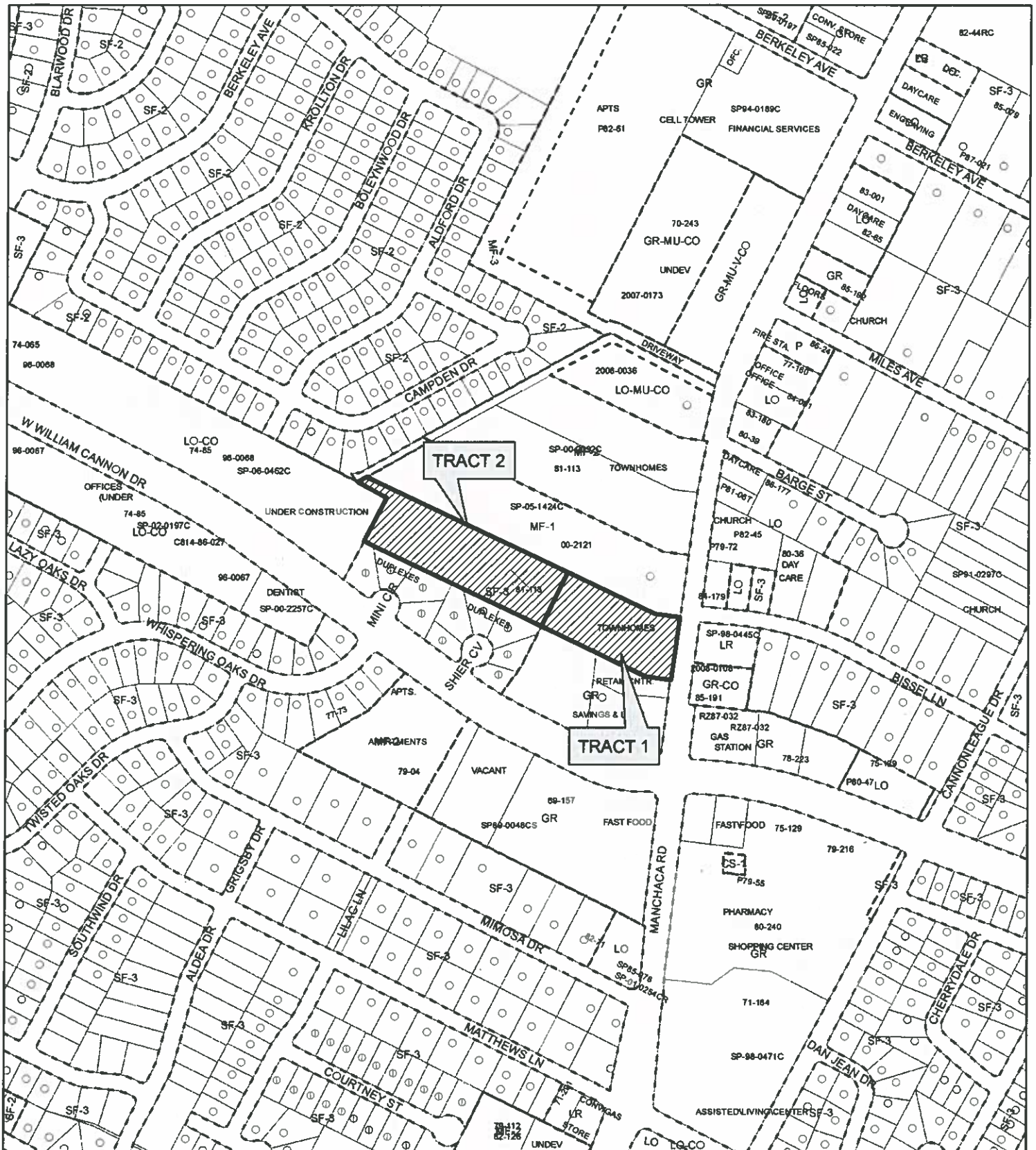
2nd




3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR: S. MEEKS

ZONING

ZONING CASE#: C14-2008-0142
 ADDRESS: 6800 MANCHARA RD
 SUBJECT AREA: 4.77 ACRES
 GRID: F17
 MANAGER: W. RHOADES

EXHIBIT A



1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

THE STATE OF TEXAS)
COUNTY OF TRAVIS) **Know All Men by These Presents:**
That we, **C.T. DAVIS** and **Wm. M. Baker**,
sole owners of the herein described **18.95 acre** (or part of
larger) out of **Travis County, Texas**, being a
portion of and more or less known as **Travis**
Tracts 1076, 1078, 1085 of the Deep Ender of Travis County, Texas,
do hereby deposit this map or plat so our subdivisions is known
as **Travis** and use do hereby declare
to the public, all pertinent, and efforts herein as
as to be forever may appear,
WITNESS WHEREOF WE have hereunto set our
hands this _____ day of _____, A.D. 19____.

Lois R. Davis *William M. Baker*

THE STATE OF TEXAS)
COUNTY OF TARRANT)
I, _____, do hereby certify that the undersigned authority, on this day personally appeared _____, of the County of _____, State of _____, both known to me to be the person whose name appears on this document, the largest, smallest and acknowledged to me that they each desired for the purpose and consideration therein expressed, and the said _____ of the said _____, and _____, her/his/ his/ her, being the same fully permitted to do, she, his, and _____, County Clerk acknowledged to me that she, he, and _____, and _____, and she declared that they intended to do the same for the purpose, and consideration therein expressed, and that they each desired to release it.

WITNESS MY HAND AND SEAL OF THE COUNTY CLERK OFFICE this _____ day of _____, 19____.

County Clerk

Notary Public and Notary Public, Texas

APPROVED FOR ACCEPTANCE
On 7-6-11-53... *E. J. [Signature]*
E. J. [Signature] Director, A-11-11-11-11

APPROVED BY CITY PLANNING COMMISSION
Date July 2, 1953.. *C. J. [Signature]*
Date July 2, 1953.. *[Signature]*

FILED FOR RECORD

AJ. H. v. Inmate L.M. 1A10 / Entry of - J. J. [Signature] ADJ 983
[Signature]
[Signature]
Clark County Court, Clark County, Texas

THE STATE OF TEXAS,
COUNTY OF TRAVIS, I, Miss. Bridge Lindsey, Clerk of the County
Court, within and for the County of Travis, State of Texas, do hereby
certify that the within and foregoing instrument of
writing, with its Certificate of Authenticity, was filed
for record in my office on the 11th day of March
A.D. 1955, at Dallas, Texas, and duly recorded on the 11th
day of March, A.D. 1955, at Dallas, Texas, in Book 120
of the Public Records of said County in Book 120 Page 120
of said County, and the date last written above
is the date of said filing and recording.

SURVEYED BY
D. P. Schofield June 8, 1953
D. P. Schofield, Licensed Land Surveyor

LEGEND
 o - I.D. Front
 o - I.D. Side
 o - C.M. Set
 --- Utility Component
 ALE 111100

NOTE: Each house in this subdivision shall be connected to a septic tank of a type approved by the State Health Department.

THE STATE OF TEXAS)
COUNTY OF TEXAS) J. M. E. Lumber, County Clerk of
Texas County, Texas, do hereby certify that on the 22nd
day of June, 1914, at the County Court of Texas County, Texas, passing an order authorizing
the filing for record of two plat and two gold
orders have been duly entered in the minutes of
said court in Book No. Page, and
subscribed by me, the County Clerk of said County of Texas, this 22nd day of June, 1914.
By J. M. E. Lumber, County
Clerk of Texas County, Texas

[illegible]

REZONING AREA

EXHIBIT B
RECORDED PLAT

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning for Tract 1 and limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning for Tract 2, as shown in Exhibit A-2. On Tract 1, the Conditional Overlay: 1) makes community recreation (private) and community recreation (public) a conditional use; 2) prohibits the following uses: automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), bail bond services, business or trade school, business support services, commercial off-street parking, communication services, drop-off recycling collection facility, exterminating services, food preparation, funeral services, hospital services (general), hotel-motel, indoor entertainment, indoor sports and recreation, outdoor entertainment, outdoor sports and recreation, pawn shop services, personal improvement services, research services, residential treatment, and theater. In addition, development would be limited to 2,000 motor vehicle trips per day across Tracts 1 and 2.

If the requested zoning is recommended for this site, 43 feet of right-of-way should be dedicated from the centerline of Manchaca Rd. in accordance with the Transportation Criteria Manual.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The property has access to Manchaca Road, a major arterial roadway and is in proximity to West William Cannon Drive, also a major arterial roadway.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area is developed with one single family residence. The site is relatively flat and there appear to be no significant topographical constraints.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 80%, which is based on the more restrictive zoning regulations. The maximum impervious cover allowed

by the LO-MU zoning district would be 70%, which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

Transportation

If the requested zoning is recommended for this site, 43 feet of right-of-way should be dedicated from the centerline of Manchaca Rd. in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12. ***Currently, there is 33 feet of existing right of way (from the centerline) available along Manchaca Rd. An additional 10 feet of right of way would be needed.***

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Compatibility Standards

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Compatibility Standards are applicable to all property adjoining or across the street from a lot zoned or used as a SF-5 or more restrictive or within 540 feet from the lot zoned SF-5 or more restrictive. This lot has SF-2 to the west and SF-3 along the southern edge of the property.

Along these property lines, the following standards apply:

- No structure may be built within 25 feet of the SF-zoned property lines.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area and/or screening is required along the property line. A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

This site is located within the Garrison Park Neighborhood Planning Area. Please visit this site for more information: http://www.ci.austin.tx.us/zoning/garrison_park.htm.

August 26, 2008

Ms Wendy Rhoades
City of Austin
Neighborhood Planning and Zoning Department
P.O. Box 1088
Austin, Texas 78767

Re: C14-2008-0142
6800 Manchaca Rd.

Dear Ms Rhoades,

Thank you for meeting with me and the property owners today to discuss the rezoning of the property. Pursuant to the meeting, I have compiled a list of uses that we can prohibit with the "GR" zoning request for the property with a Conditional Overlay. We agree that the property to the rear should be rezoned to LO-MU as stated in your previous correspondence. Furthermore, the property owners are willing to dedicate additional right-of-way for Manchaca Rd.

Prohibited Uses:

Automotive Rentals	Automotive Repair Services
Automotive Sales	Automotive Washing (of any type)
Bail Bond Services	Business or Trade School
Business Support Services	Commercial Off-Street Parking
Communication Services	Drop-Off Recycling Collection Facility
Exterminating Services	Food Preparation
Funeral Services	Hospital Services (General)
Hotel-Motel	Indoor Entertainment
Indoor Sports and Recreation	Outdoor Entertainment
Outdoor Sports and Recreation	Pawn Shop Services
Personal Improvement Services	Research Services
Residential Treatment	Theater

Conditional Uses:

Community Recreation (Private) Community Recreation (Public)

As you are aware, the case is scheduled for consideration by the Zoning and Platting Commission on September 16th for which it is our desire to continue the case with the Commission. We feel that our request for GR-CO for the front half of the property warrants the request based upon the following considerations of the property:

1. location on a major arterial and proximity to a major intersection, and
2. the requested rezoning allows for an incremental change and continues to prohibit uses that are less compatible with the adjacent residential developments.

Should you have any questions or need any additional information, please contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Wilson", written in a cursive style.

Michael W. Wilson

xc: Bill Watters
Diane Watters
Nicole Berta

To: Wendy Rhoades
Via fax: 974-6054

August 22, 2008

Re: Zoning on 6800 Manchaca - case # C14-2008 0142

I represent, La Vid Urban Homes, a project that is under construction on the north side of the proposed property that is requesting the zoning change.

We are not in favor of the GR zoning. However with certain restrictive overlays we may be able to support it. I am mostly concerned about a buffer zone of at least 25 feet between property lines and the possibility of automotive uses such as repairs, sales, etc.

I think we would be in favor of the LR zoning which seems to allow for a restaurant or shopping center use. We would prefer to see a site plan and location of the buildings so we could have a conceptual idea of what the plan might be.

Thank you

Rick Hardy
263-9446

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2008-0142

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

August 5, 2008 Zoning and Platting Commission

☐ I am in favor
☒ I object

Philp Moller

Your Name (please print)

6704 Manchaca Rd #45 78745

Your address(es) affected by this application

[Signature]

Signature

8/3/08

Date

Comments: this commercial zone is unnecessary. nearby commercial zones at Manchaca & William common have unfilled vacancies. recently completed commercial across the street has not had any takers no controlled lights exist across from property to central access, which would cause traffic problems north of William common on Manchaca affecting my community & nearby fire station.

If you use this form to comment, it may be returned to:
City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

Rhoades, Wendy

Sent: Friday, July 25, 2008 5:58 PM
To: Galati, Donna; Rhoades, Wendy
Subject: Case Comments, cases listed below

Here are my comments on the following cases:

6500 Manchaca Rd, SP-2008-0278C site plan approval 6700 Manchaca Rd, C14-2008-0036 zoning change 6800 Manchaca Rd, C14-2008-0142 zoning change

First, I'm an interested party to the site plan case above; I live in one of the condos at 6704 Manchaca, specifically Unit 25.

General comments on all 3:

Development is going on without a requirement for the developer to do improvements to Manchaca Rd. Newmark put in a huge development up the road without having to add a right turn lane into their development, nor a left turn lane, nor a bus pullout. So along Manchaca you have someone stopped to make a left turn in one lane and a bus stopped in the other with traffic all backed up behind them. There are accidents when drivers try to pull around these stopped vehicles as well. Please require road improvements if possible. There is a bus stop about a block north of us in front of one of these addresses, and a pullout would help a little. A left turn lane on Manchaca from William Cannon to Berkeley or Stassney or Ben White would help a LOT.

There are water pressure issues in the area since we are at the end of the south water line zone. Our development really shouldn't have been allowed to go in since the houses at the highest points have water pressure below 35 psi. The builder of La Vid condos next door to us to the south chose to make arrangements to come in through the development behind him (and behind 6800 Manchaca) to get adequate water pressure (rather than build a line in Manchaca Rd up from Wm Cannon). Maybe all these sites could pool their resources to run a new line up Manchaca to serve their sites.

Ref. 6700 Manchaca specifically:

I do not support any zoning for that tract that allows apartments or other high-traffic-generating uses. Our site is MF-2 and has only 46 units, which seems to be generating plenty of trips, plus there are more condos going in to the south side. However with 2 condo developments in a row, I would prefer to see any residential component of 6700 Manchaca be more condos but not a lot of them. See comments above about traffic improvements. The zoning application packet includes a letter of support from John Price, who was the builder of our condos but who no longer owns any of site, so his support is no longer valid.

Ref. site plan for VMU at 6500 Manchaca specifically:

I support the VMU generally but the site plan needs to show some traffic mitigation features--see comments above.

Ref. 6800 Manchaca specifically:

I understand this tract cannot remain single family, and would like to see zoning that will not impact traffic so much and will not reflect negatively on the La Vid condos being built next door.

Pam Hurt
6704 Manchaca Rd Unit 25
Austin, Texas 78745
972-0316 day phone

To: Wendy Rhoades

Via fax: 974-6054 and email wendy.rhoades@ci.austin.tx.us

September 26, 2008

Re: Zoning on 6800 Manchaca – case # C14-2008 0142

I represent the property situated at 6800 Manchaca Road, Austin (Lot 4, C.T. Baker Subdivision), which is contiguous to the applicants property at 6708 Manchaca Road, Austin (Lot 3, C.T. Baker Subdivision).

This is being sent in reference to a request for a zoning change from SF-3 zoning to GR zoning. GrR-CO for tract 1 and LO-MU for tract 2.

Ia Vid Urban Homes is our project and is a low density townhome project with the back yards of all the units sharing the north property line of the requested site. The noise and activity of uses per the zoning request on the site would cause us some concern. However, we think a vegetated buffer zone would soften the impact of the development.

Our development was required to have a twenty five foot separation between the properties and this area is now the back yard of the town homes. We will have several property owners on the side in the near future and would like consideration as to privacy and right of enjoyment of property without too much noise and conflicts.

With our request granted we would be in favor of the zoning as I understand it per staff recommendation to grant a conditional overlay along with our request for a twenty five foot vegetated buffer zone being placed along the south property line of our property and the north property line of the applicants property.

Please call me if you have any questions

Thank you



Rick Hardy
263-9446

La Vid Urban Homes
PO Box 161775
Austin, TX 78716
512-263-9446 Fax 512-263-1003 email : rick@certhomes.com

October 15, 2008

- Mayor Will Wynn
- Mayor Pro Tem Brewster McCracken
- Council Member Lee Leffingwell
- Council Member Mike Martinez
- Council Member Randi Shade
- Council Member Laura Morrison
- Council Member Sheryl Cole

City Hall- Austin Texas
P. O. Box 1088
Austin, Texas 78767

Re: Watters Zoning Request on 6800 Manchaca – case # C14-2008-0142

Dear Mayor and City Council Members:

I am requesting a postponement of the above referenced zoning case from November 6, 2008 to December 11, 2008.

I represent a project currently under construction with the first phase completed at 6708 Manchaca. This project will have 37 individually owned townhomes with backyards that share the same property line as the applicants' property, an area approximately 1086 feet long. Our residential structures are located 25 feet off the shared property line.

While our zoning is MF-1 we are basically a townhome community of individual property owners, and while these do not trigger the application of compatibility standards, we are requesting a vegetated buffer along our south property line and the applicants' north.

I am in favor of the applicant's request only if a 25 foot wide vegetated buffer zone is placed on the north property line. This will allow for privacy and maintain the current vegetation and trees to reduce any impact a GR and LO-MU zoning would have. I have contacted staff about this and sent in my request. I have tried to contact the applicant but have not been able to have any returned phone calls regarding this or any confirmation that they would sit down and discuss this. I have called Mike Wilson (454-2400) to make the request and after not hearing back from him I became more persistent in my phone calls and finally reached him on his cell phone (569-5063). I was told that the applicants have no interest in providing any vegetated buffer zone. I do not think this is an unreasonable request. I do not believe my concerns have been addressed and the concerns

of future residents of our project. The City has made a big push to create higher density residential communities within the City where infill areas exist, along mass transit routes, access to bicycle routes, and closer to the downtown area. In order for these projects to be successful and maintain an appeal, we need to protect the integrity and amenities of the existing vegetation as best we can and find solutions when residential projects meet up with general retail and limited office uses. The web site of our project is at www.lavidhomes.com. Below is a sample of the backyards of our townhomes.

Thank you for your consideration.

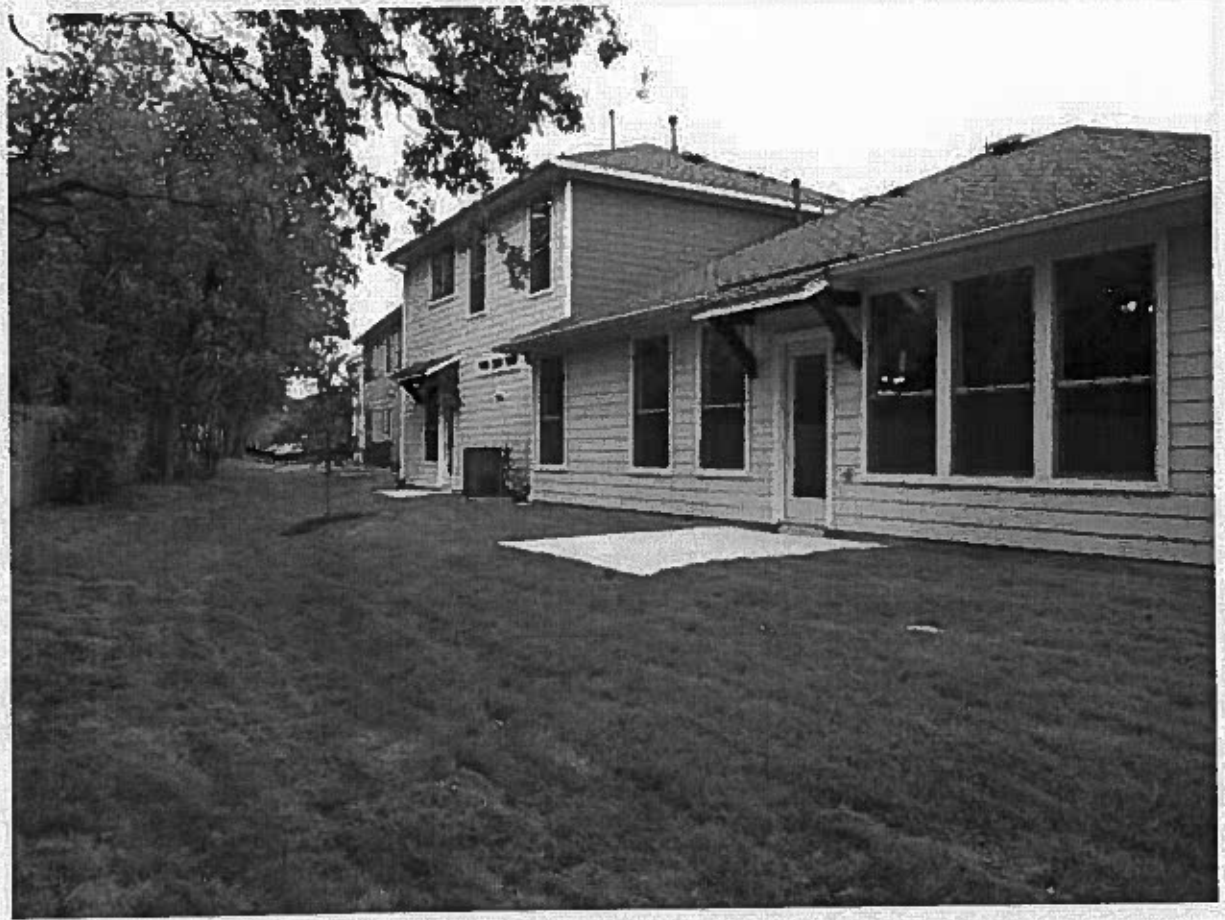
Rick Hardy

cc:

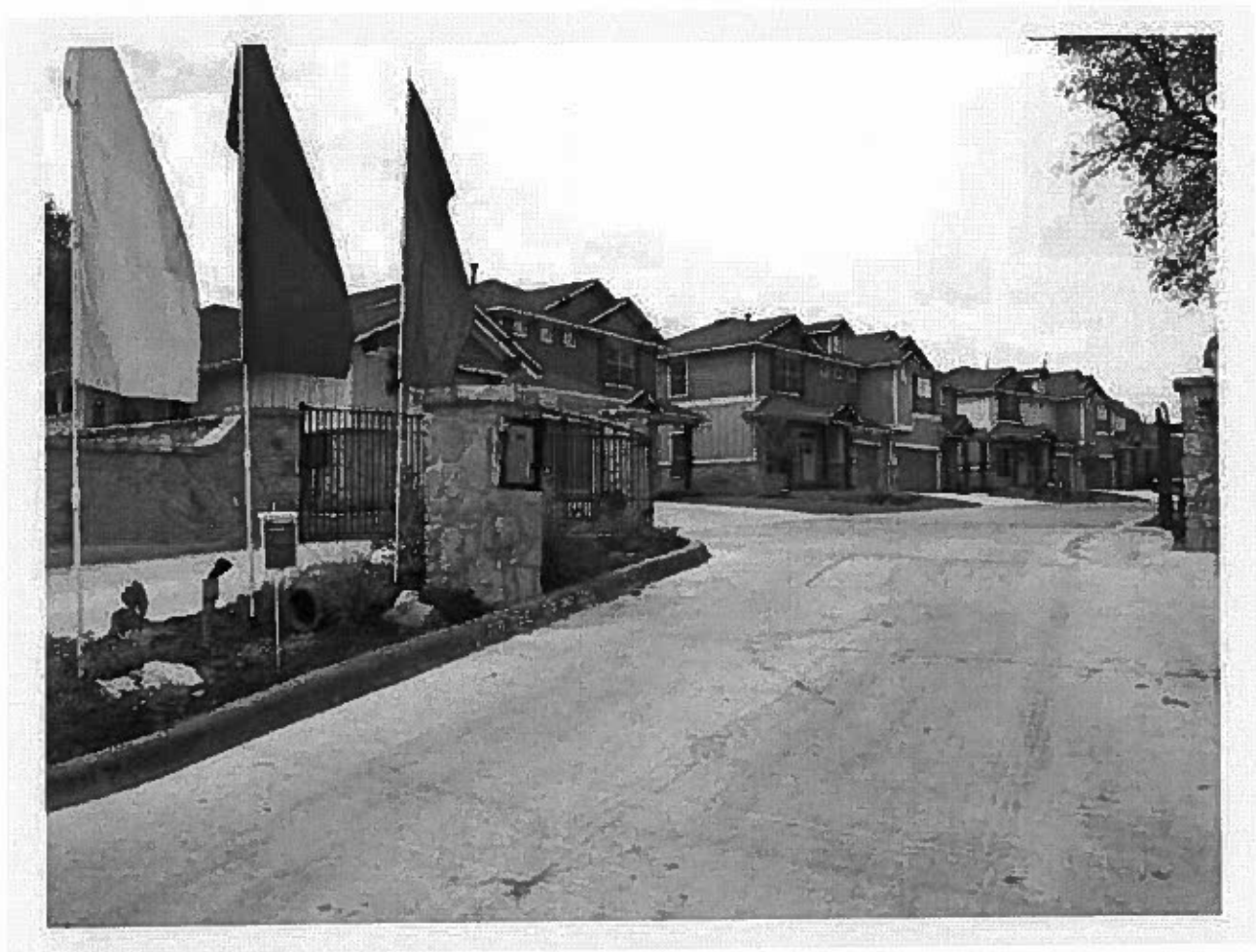
Wendy Rhoades
Neighborhood Planning and Zoning Department
CITY OF AUSTIN
505 Barton Springs Road, 5th Floor
Austin, TX 78704
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James W. (Bill) Watters, Jr.
6800 Manchaca Road
Austin, Texas 78745
512-922-2201
Email: debutts@msn.com

October 23, 2008

Via Electronic Transmission

Mayor Will Wynn
Mayor Pro Tem Brewster McCracken
Council Member Lee Leffingwell
Council Member Mike Martinez
Council Member Randi Shade
Council Member Laura Morrison
Council Member Sheryl Cole

Re: 6800 Manchaca Road – Case #C14-2008-0142

Dear Mayor and City Council Members:

I am the property owner of 6800 Manchaca Road. My parents bought this property in 1957 when Manchaca Road was a 2 lane road and was considered out in the country. Growing up, there were 4 houses in the area and a large dairy farm behind the property. I have lived in and watched this area grow for over 50 years, so I do have some understanding of the area.

I hereby agree to Mr. Hardy's request to postpone the scheduled public hearing on the rezoning of my property, but would request that the hearing be rescheduled to November 20, 2008 rather than December 11, 2008. The request by Mr. Hardy to postpone the rezoning from SF-3 to GR-CO and LO-MU-CO, which was supported by staff and approved by consent by the Zoning and Platting Commission for an additional five (5) weeks is unwarranted. But in the interest of meeting and speaking with him again, I agree to the postponement.

Mr. Hardy's desire to impose a vegetative buffer to allegedly screen future development from the two-story, elevated town home condominiums he has built on his property will place an undue hardship on my property. It will subject my property to a higher standard of screening in a commercial zoning district adjacent to a multi-family residential use than anyone else in the area. Mr. Hardy's property is zoned multi-family (MF-1).

The following is a summary of the inaccuracies in Mr. Hardy's letter to you dated October 15, 2008.

1. The 37 town home condominiums on Mr. Hardy's property do not all share our property line and do not all have backyards. Based on the site plan for La Vid Condominiums, at ultimate build out, 21 units will be adjacent to our property line. Currently, only 6 units have been built that face our north property line. None of the units have a "backyard", but only have the

required 25' setback for compatibility to the property line which is a grassed area. The attached photos (#1 and #2) show the 6' privacy fence and the greenbelt area which is also a 25' dedicated drainage easement for approximately 500' within the compatibility setback. In addition, when Mr. Hardy dug out this drainage easement, he dug through roots on some of the trees on our side of the property line, effectively killing them.

2. His statement about maintaining the integrity and amenities of the existing vegetation is quite inaccurate on his part. Mr. Hardy's company bought this property in July of 2005. At that time the property was heavily wooded (see 2006 aerial photo attached [#3]). Mr. Hardy cleared off the property completely, leaving just a very few trees (2006 aerial photo attached [#4]). Also attached are photos (#5, #6 and #7) of the current conditions on the site, showing the remainder of Mr. Hardy's development which has not been built on and which has very few trees. When he designed the placement of the town homes on his property, Mr. Hardy made no attempt to keep the existing oaks and cedar elms or other natural vegetation on his property. Now he wants my property to provide that screening.

Mr. Hardy's request would put an undue burden on my property. If I was to provide the vegetative buffer he is demanding, it would be approximately 29,000 square feet, or 14% of my property.

In addition, I am sure that I (or the end user of my property) will be required to give the City a drainage easement and perhaps other utility easements, just as Mr. Hardy has done in the development of his multi-family Project, and that those easements could very well be along that same property line at such time as those are required.

I would like the Council Members to note that due to the elevation of Mr. Hardy's development, even with a 6 foot privacy fence, the people on the first floors of his units can look directly onto our property over the fence. See attached picture (#8). The reason for this elevation is due to the extraordinary amount of fill that he placed on the property. Mr. Hardy requests the buffer for privacy. His elevations will not permit that privacy.

In response to his comments regarding not returning phone calls. When Mr. Hardy wanted me to waive the compatibility requirement on his south (my north) boundary line, he called me. When Mr. Hardy requested that I give the City an easement across the back of our property so that he could get water for his Project, he called me. When Mr. Hardy needed water for his Project prior to getting the City's inspection of his water, he called me, and his contractors used my water for his Project for which I have not been paid. When Mr. Hardy expressed concern about automotive uses, we had those excluded (among others) from the uses for our requested zoning. But when he wanted to talk about a buffer, he called my engineer and emailed my wife. When I called to speak with him, he didn't return my calls.

Mr. Hardy in his letter of October 15, 2008 says his concerns have not been addressed. I spoke with Mr. Hardy on October 21, 2008 concerning this issue. He doesn't see any problems with his request, and I don't see why I should give him 1/7th of my property in an attempt to solve his

perceived visibility problem when he made no attempt to resolve it in the design of his Project. The City Code sets out specific compatibility requirements between certain of the specific zoning. I proposed that I follow City Code requirements.

I appreciate your time, and thank you for your consideration.

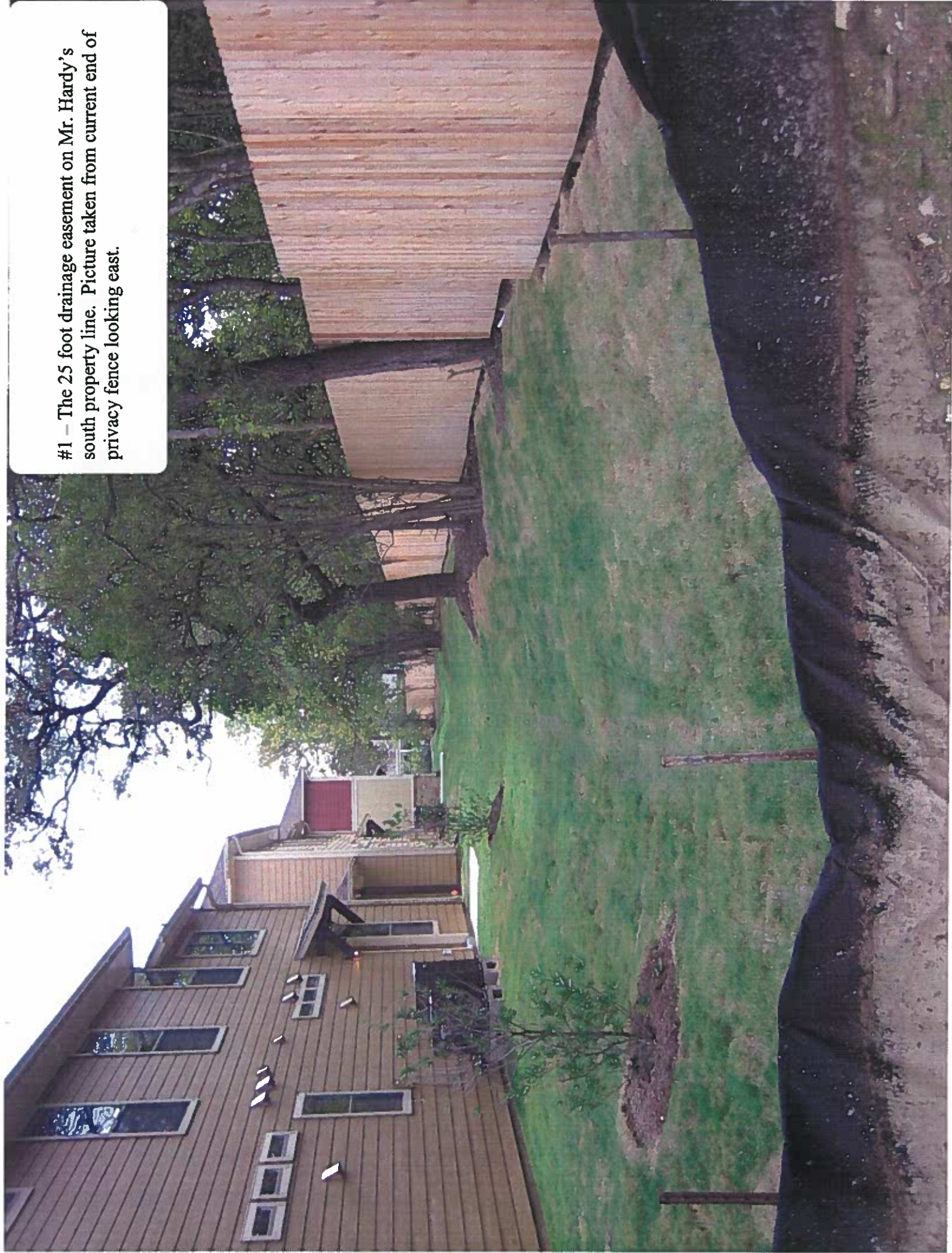
Very truly yours,

A handwritten signature in black ink, appearing to read "Bill Watters", with a stylized, cursive script.

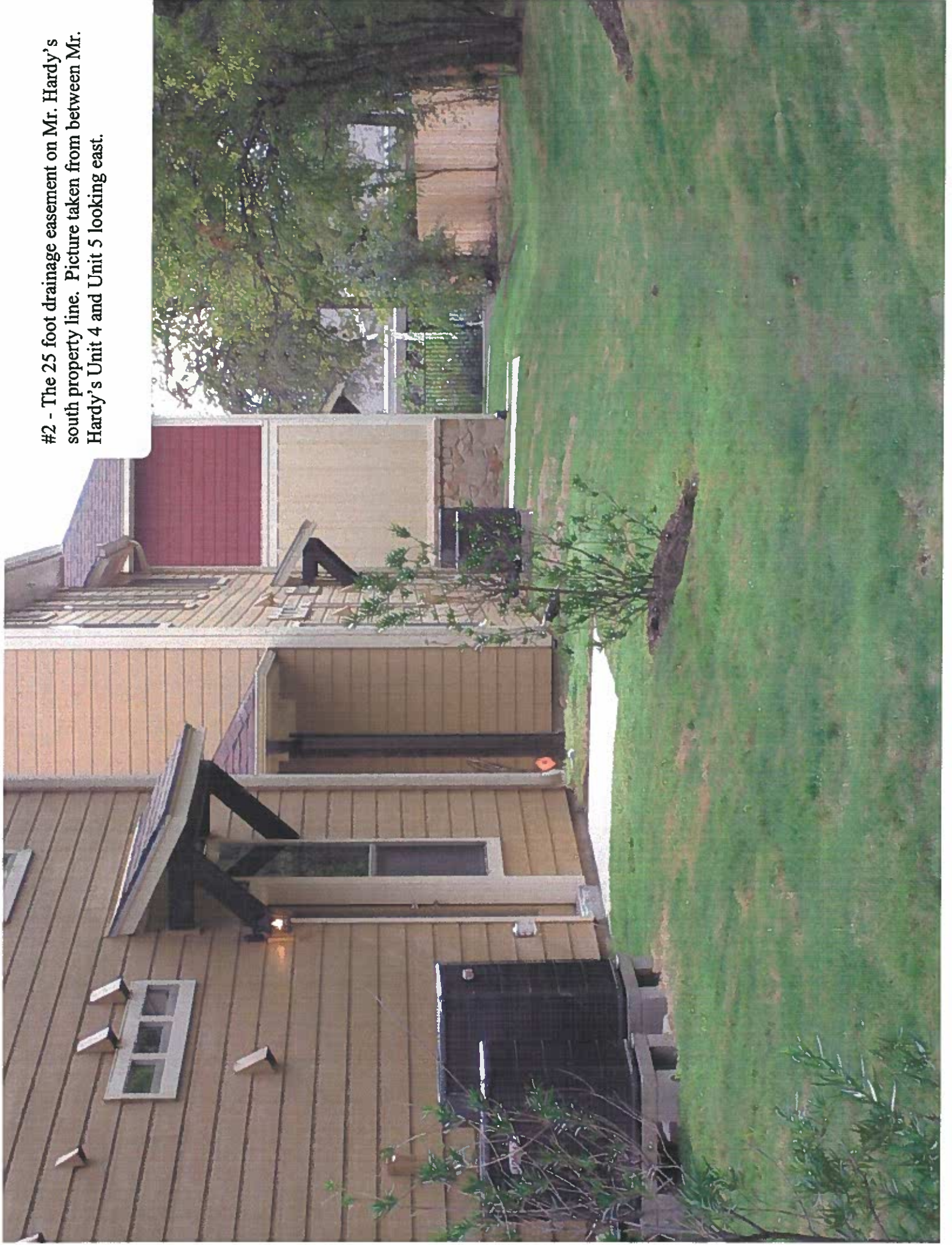
Bill Watters

c: Wendy Rhoades
Neighborhood Planning and Zoning Department
City of Austin
wendy.rhoades@ci.austin.tx.us

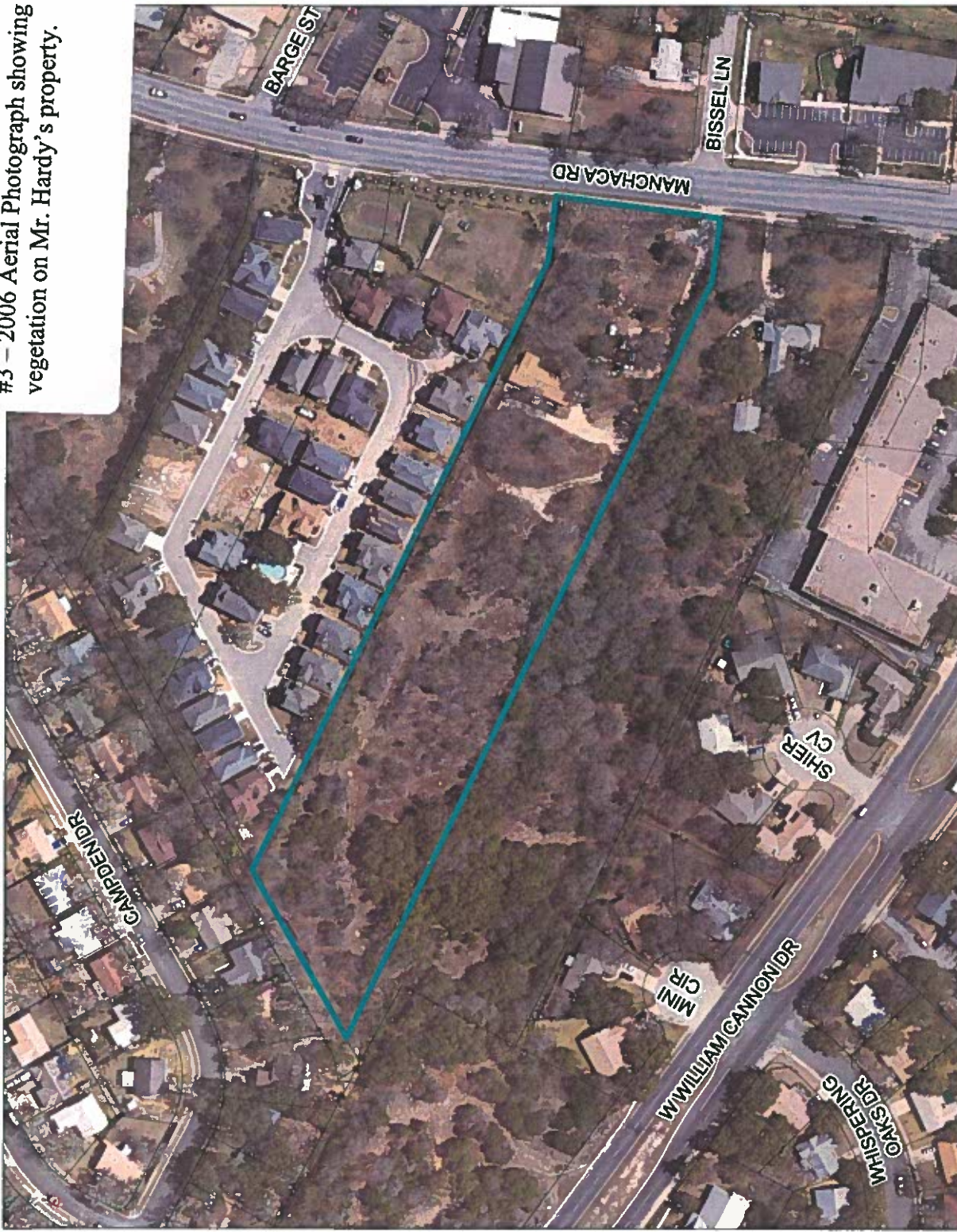
#1 – The 25 foot drainage easement on Mr. Hardy's south property line. Picture taken from current end of privacy fence looking east.



#2 - The 25 foot drainage easement on Mr. Hardy's south property line. Picture taken from between Mr. Hardy's Unit 4 and Unit 5 looking east.



#3 - 2006 Aerial Photograph showing trees and vegetation on Mr. Hardy's property.



6708 Manchaca Rd.
2006 Orthoimagery

Produced By:
CTM - Regional Mapping



Date Plotted: October 24, 2008

 6708 Manchaca Rd.

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#4 - 2006 Aerial Photograph showing Mr. Hardy's property after start of site work.



6708 Manchaca Rd.
2006 Orthoimagery

Produced By:
CTM - Regional Mapping

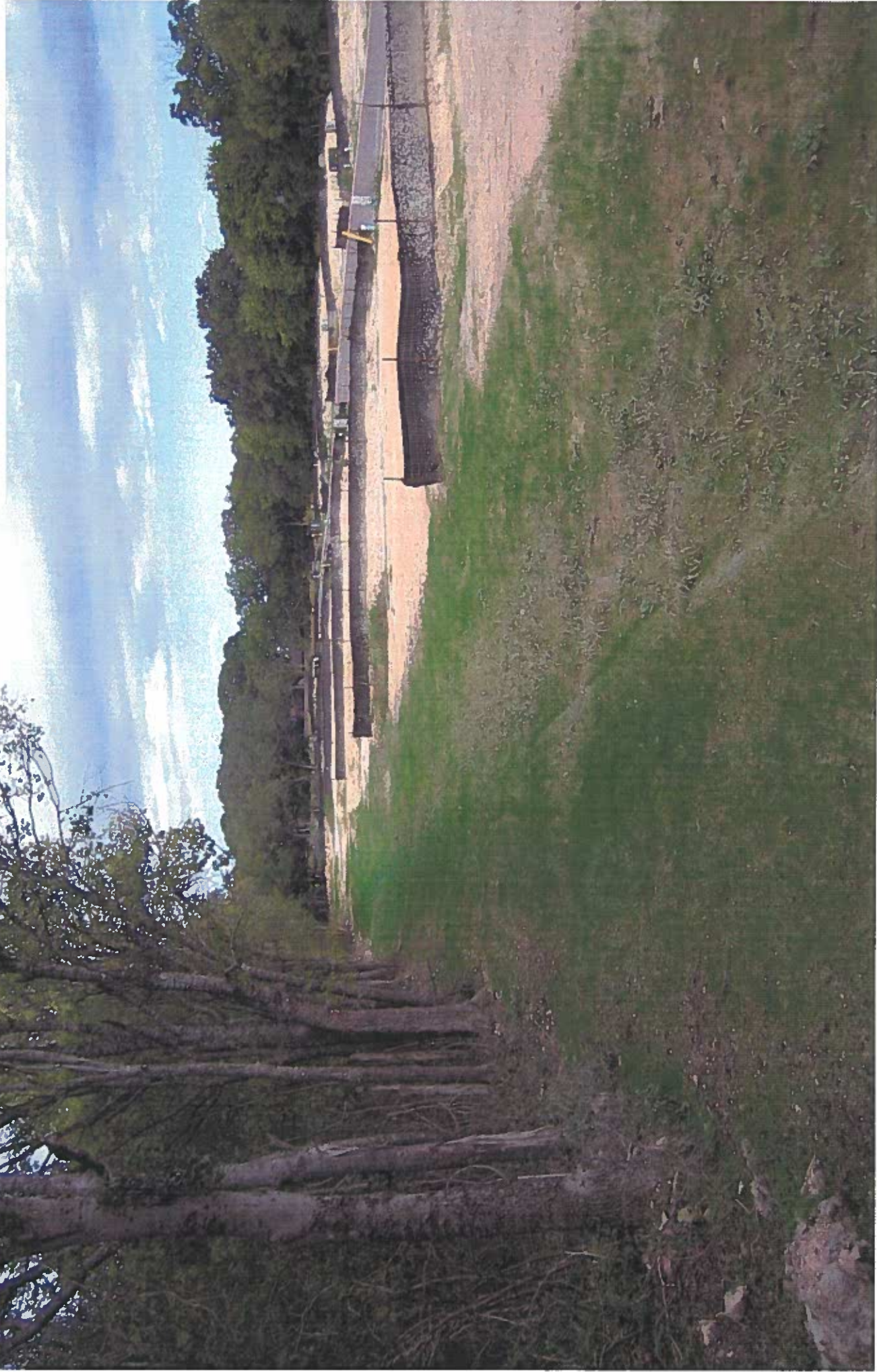


 6708 Manchaca Rd.

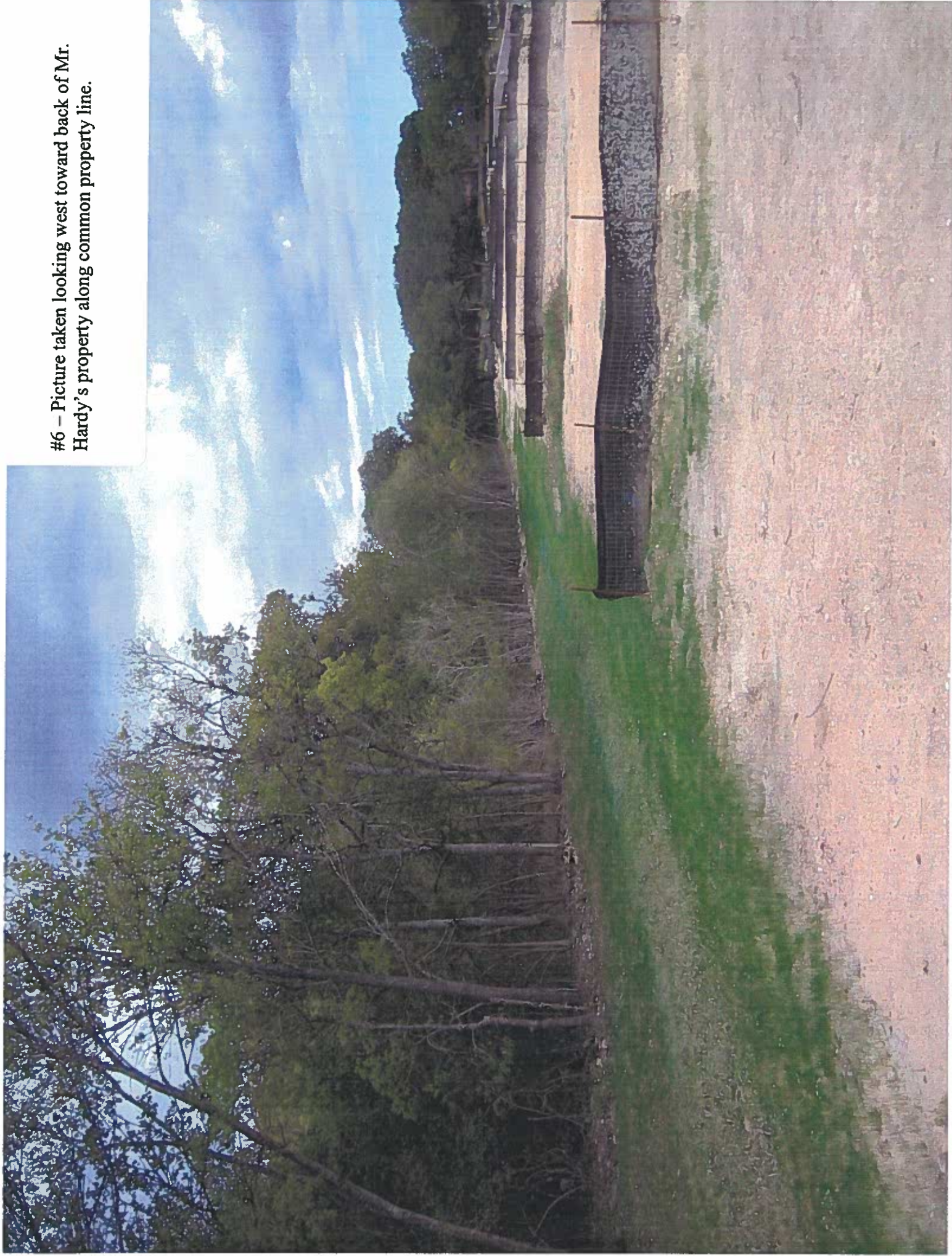
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Date Plotted: October 24, 2008

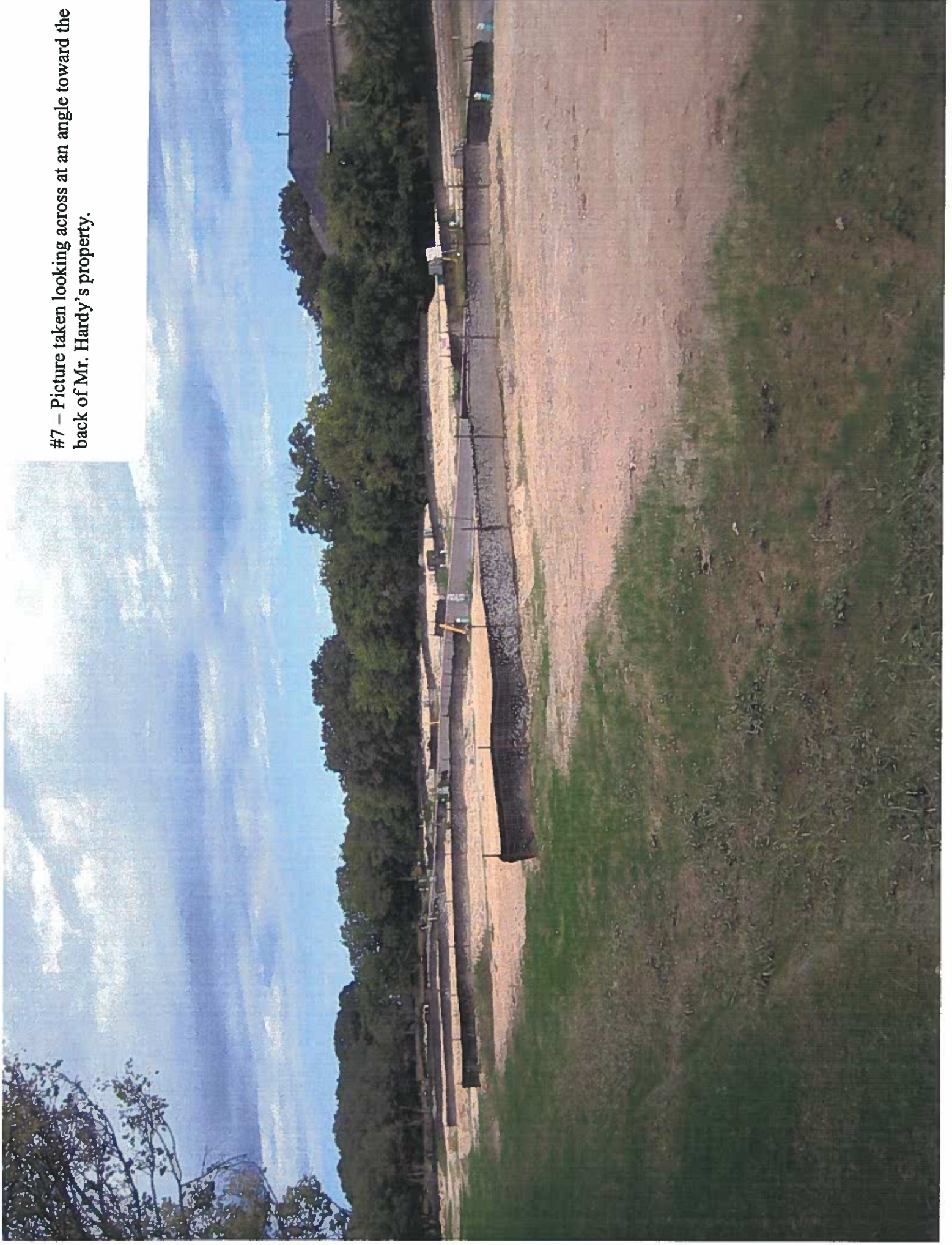
#5 – Picture taken from end of current privacy fence looking west along common property line.



#6 – Picture taken looking west toward back of Mr. Hardy's property along common property line.



#7 – Picture taken looking across at an angle toward the back of Mr. Hardy's property.



#8 – Picture taken from our driveway looking north into Mr. Hardy's new construction.



Rhoades, Wendy

From: Loayza, Katherine [kloayza@jw.com]
Sent: Tuesday, November 04, 2008 10:37 AM
To: Wynn, Will; McCracken, Brewster; Leffingwell, Lee; Martinez, Mike [Council Member]; Shade, Randi; Morrison, Laura; Cole, Sheryl
Cc: Watters, Diane; debutts@msn.com; Nias, Jim; Guernsey, Greg; Arzola, Sylvia; Rhoades, Wendy
Subject: Item #85- Council Agenda November 6, 2008
Importance: High

Mayor and Councilmembers,

On behalf of the property owner, Bill Watters, 6800 Manchaca Road, we object to the request by Rick Hardy to postpone the City Council consideration of this case until December 11, 2008, but will reluctantly agree to a two-week postponement until November 20, 2008. The proposed rezoning for GR-CO and LO-MU-CO (C14-2008-0142) was approved by consent by the Zoning and Platting Commission and recommended by staff. We are unaware of any other neighborhood opposition at this time.

We believe that Mr. Hardy's request for a postponement is unwarranted. The staff support material you have received includes a detailed summary of the issues; specifically Mr. Hardy's desire for a 25' vegetative buffer along the north property boundary which abuts his MF-1 zoned property. We do not feel that it is appropriate to subject the Watters' property to a higher standard of screening than anywhere else in the neighborhood where commercial/office zoning abuts multi-family zoning. The postponement will not result in a change in my client's position regarding this unjustifiable request from Mr. Hardy; attempts to resolve the matter between the two property owners has not led to any resolution from either side.

We would appreciate the opportunity to meet with you to discuss this matter in greater detail as soon as possible.

Thank you for your consideration of this matter.

Katherine P. Loayza, Agent
on behalf of Bill and Diane Watters

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